

John S. Delikanakis (NV Bar #5928)
Erin M. Gettel (NV Bar #13877)
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: 702.784.5200
Facsimile: 702.784.5252
Email: jdelikanakis@swlaw.com
egettel@swlaw.com

Attorneys for Defendant Bank of America, N.A.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARMANNA BELLOW,

Plaintiff,

VS.

BANK OF AMERICA,

Defendant.

Case No.: 2:22-cv-01518-APG-BNW

Motion to Continue ECF No. 16

(First Request)

Defendant Bank of America, N.A. (“BANA”) moves to continue the December 22 deadline to submit the proposed discovery plan and scheduling order. As set forth below, BANA has been unable to confer with Bellow in order to submit the proposed discovery plan and scheduling order. Due to the upcoming holidays, BANA respectfully requests an extension to January 5, 2023.

On August 24, 2022, Bellow filed a two-page complaint alleging that he misplaced his bank card in June of 2022 and that someone has since made unauthorized withdrawals from his account on unspecified dates and for unspecified amounts. ECF No. 1-1. He further alleges that whoever is taking his money is “associating” with BANA and making the bank “cover” the transactions, so he is entitled to \$120,000 from BANA. *Id.* at 2.

BANA removed Bellow's complaint to this Court and filed a motion to dismiss it, arguing that Bellow's conclusory and confusing allegations fail to provide fair notice of Bellow's claim(s) or to state a plausible claim for relief. ECF No. 6. BANA also filed the required statement and status report regarding removal, though was unable to obtain Bellow's consent to file a joint status

1 report. ECF Nos. 10, 11. Bellow did not attempt to initiate the scheduling of the Rule 26(f)
 2 conference as required by the local rules. *See* LR 26-1(a) (“The pro se plaintiff or plaintiff’s
 3 attorney must initiate the scheduling of the conference required by Fed. R. Civ. P. 26(f) to be held
 4 within 30 days after the first defendant answers or otherwise appears”).

5 Bellow did not file an opposition to BANA’S dismissal motion but did file a one-paragraph
 6 document purporting to set forth his “evidence on this case” to which he appended 40 pages of
 7 account statements without analysis. ECF No. 9. In that filing, Bellow indicated that someone
 8 stole his backpack in Hawthorne, California, on June 9, 2022. *Id.* at 1. According to Bellow, he
 9 blocked and replaced the stolen card, but BANA was “still allowing one of their associates to take
 10 money from” his account. *Id.* Because BANA is “such a high class company world wide,” Bellow
 11 reiterated his request for a judgment of \$120,000. *Id.*

12 On October 18, 2022, BANA filed a reply in support of its motion to dismiss. BANA
 13 explained that, because Bellow failed to file points and authorities responsive to its motion, he had
 14 consented to the granting of the same under Local Rule 7-2(d). ECF No. 11 at 2. Further, that even
 15 if this Court were to treat Bellow’s filing as an opposition, it does not cure—or suggest that Bellow
 16 can cure—his defective complaint. *Id.* at 2–4.

17 Bellow then filed another one-page document titled “Motion for Relief/Collection of
 18 Funds” to which he attached additional account statements. ECF No. 12. In that filing, Bellow
 19 reiterated that an unknown person stole his backpack (and ID and ATM card) in Hawthorne,
 20 California. *Id.* at 1. He stated that, although the stolen card was blocked and replaced, “[s]omebody
 21 with in Bank of America [is] pulling money from [his] account [to] this day....” *Id.* Bellow then
 22 referenced either BANA’s motion to dismiss or reply in support of that motion¹ and attempted to
 23 clarify that there is “no one person” within BANA responsible for the purportedly missing funds
 24 but that it’s “the [w]hole corporate company itself” that is making his life hard and committing
 25 fraud. *Id.* at 1. In closing, Bellow upped his requested judgment to \$75 million.

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28 ¹ Bellow did not reference a specific filing, but references arguments made by John Delikanakis,
 who is one of the BANA attorneys listed on both of these filings.

1 In an abundance of caution, BANA filed both an opposition to, and a motion to strike,
2 Bellow's Motion for Relief/Collection of Funds. ECF Nos. 13, 14. This Court denied Bellow's
3 motion under LR 7-2(d) and denied BANA's motion to strike it as moot. ECF No. 15. On
4 December 8, 2022, this Court ordered the parties to submit a discovery plan and scheduling order
5 by December 22, 2022.

6 Bellow still has made no attempt to initiate a Rule 26(f) conference in order to prepare the
7 stipulated discovery plan and scheduling order. BANA has e-mailed and left a voicemail with
8 Bellow regarding the scheduling of that conference and the contents of the report. Undersigned
9 emailed Bellow on December 21, 2022, at 11:51 a.m. PST. Bellow responded at 6:43 a.m. PST
10 this morning (December 22) that he would be available "tomorrow," which would be past today's
11 deadline, and did not provide a time. Shortly before 10:30 a.m., undersigned responded with her
12 cell phone number and asked that Bellow call as soon as he is able since the report is due today. At
13 1:30 p.m. PST, undersigned left Bellow a voicemail regarding the conference and report. As of
14 the time of this filing, Bellow has not responded. In the meantime, BANA has filed a motion to
15 stay discovery pending resolution of its motion to dismiss. ECF No. 17.

16 Under LR IA 6-1, a party seeking to extend time must state the reasons for the extension
17 requested and inform the court of all previous extensions of the subject deadline that the court has
18 granted. This is the first request to continue the deadline set by ECF No. 16. The reason for the
19 request is set forth above: the parties have not held the Rule 26(f) conference and conferred
20 regarding the discovery plan and scheduling order. While undersigned could and candidly should
21 have initiated contact with Bellow sooner, that obligation initially rested with Bellow under the
22 local rules, and undersigned has now made several attempts to contact him without success. For
23 these reasons and due to the upcoming holidays, BANA respectfully requests a two-week extension
24 to January 5, 2023, to file the proposed discovery plan and scheduling order.

Snell & Wilmer
L.L.P. ——————
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200

1
2 Dated: December 22, 2022.

3 SNELL & WILMER L.L.P.
4

5 */s/ Erin Gettel*
6

7 John S. Delikanakis, Esq. (NV Bar #5928)
8 Erin M. Gettel, Esq. (NV Bar #13877)
9 3883 Howard Hughes Parkway, Suite 1100
10 Las Vegas, Nevada 89169

11 *Attorneys for Defendant Bank of America, N.A.*

12 **ORDER**

13 For good cause shown, IT IS ORDERED
14 that ECF No. 18 is GRANTED.

15 IT IS SO ORDERED

16 DATED: 3:44 pm, December 27, 2022

17 

18 BRENDAL WEKSLER
19 UNITED STATES MAGISTRATE JUDGE

Snell & Wilmer
L.L.P.
1
2 LAW OFFICES
3 3883 Howard Hughes Parkway, Suite 1100
4 Las Vegas, Nevada 89169
5 702.784.5200
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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **Motion to Stay Discovery** by method indicated below:

- BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.
- BY PERSONAL DELIVERY:** by causing personal delivery by _____, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.
- BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

and addressed to the following:

Armanna Bellow
4373 N. Las Vegas Blvd., Ste. 7
Las Vegas, Nevada 89115
Phone: (408)570-3838

And

bellowarmanna88@gmail.com

Pro se Plaintiff

DATED this 22nd day of December 2022.

/s/ Jeanne Forrest
An employee of SNELL & WILMER L.L.P.